

REMARKS

Claims 1-24 are pending in the present application.

Restriction Requirement

The Examiner has required election in the present application between:

Group I, claims 1-16, 20, and 21, drawn to a method for preparing a cytotoxic lymphocyte characterized in that the method comprises the step of carrying out at least one step selected from induction, maintenance and expansion of a cytotoxic lymphocyte using a medium containing serum and plasma at a total concentration of 0% by volume or more and less than 5% by volume, in the presence of fibronectin, a fragment thereof or a mixture thereof;

Group II, claims 17 and 18, drawn to a cytotoxic lymphocyte obtained by the method defined in claim 1 and medicaments thereof;

Group III, claim 19, drawn to a medium for culturing a cytotoxic lymphocyte, characterized in that the medium comprises as an effective ingredient fibronectin, a fragment thereof or a mixture thereof, and that a total concentration of serum and plasma in the medium is 0% by volume or more and less than 5% by volume;

Group IV, claim 22, drawn to a polypeptide having the amino acid sequence (x) shown in SEQ ID NO: 25 of Sequence Listing or an amino acid sequence (y) having deletion, insertion, addition or substitution of one or the plural number of amino acids in the amino acid sequence (x), wherein the polypeptide having the amino acid sequence (y) has a function equivalent to that of the amino acid sequence (x); and

Group V, claims 23 and 24, drawn to nucleic acids encoding the polypeptides of Group IV and nucleic acid comprising (1) a DNA comprising the nucleotide sequence shown in SEQ ID

NO: 26; (2) a DNA comprising a nucleotide sequence having deletion, substitution, insertion or addition of one or the plural number of nucleotides in the nucleotide sequence shown in SEQ ID NO: 26, wherein the DNA encodes a polypeptide having a function equivalent to that of the polypeptide encoded by the DNA (1); or (3) a DNA which hybridizes to a DNA comprising the nucleotide sequence shown in SEQ ID NO: 26 under stringent conditions, wherein the DNA encodes a polypeptide having a function equivalent to that of the polypeptide encoded by the DNA (1).

For the purpose of examination of the present application, Applicants elect, without traverse, Group I, Claims 1-16, 20 and 21.

Species Election

Group I claims are further subjected to a Species Election. (See, Office Communication at page 3). The Examiner states that Applicants are required to elect a particular step(s) to be practiced in the claim method selected from “induction” OR “maintenance” OR “expansion” OR some unique combination thereof, e.g., “maintenance AND expansion”.

In this regard, Applicants elect “expansion” as a particular step.

It is further indicated in the Office Action that if Applicants elect Group I, Applicants are further required to elect a particular fibronectin fragment from among the various fragments recited in the instant claims, e.g., claim 10 or 12.

In this regard, Applicants elect FN fragment (SEQ ID NOs: 9-20 and 25) recited in claim 12 as a particular fibronectin.

Finally, if Applicants elect Group I, Applicants are further required to elect if the method to be examined includes OR does not require a step of diluting a cell culture solution.

In this regard, Applicants elect that the method to be examined includes a step of diluting a cell culture solution.

Claims 1-13, 15, 20, and 21 of Group I encompass the elected species.

Applicants traverse on the grounds that it would not be an undue burden on the Examiner to perform a search of all species encompassed by the present claims. Further, Applicants are aware that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

According to US practice, Applicants understand that they must elect a species for further prosecution. However, once the Examiner finds allowable subject matter based upon the single species elected, the Examiner is required to then expand the search to include a reasonable number of additional species.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact L. Parker, Registration No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

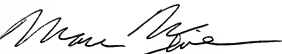
- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for

any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: **AUG 10 2009**

Respectfully submitted,

By 

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